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PROHIBITIONS AGAINST THE RELEASE OF GOVERNMENT
INFORMATION CONTAINED IN THE STATUTES OF CANADA

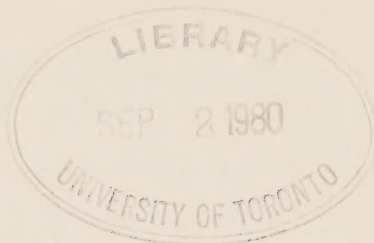
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INTERDICTIONS DE DIVULGATION DE RENSEIGNEMENTS
GOUVERNEMENTAUX CONTENUES AUX STATUTS DU CANADA

François Pepin

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November 22, 1976



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PROHIBITIONS AGAINST THE RELEASE OF GOVERNMENT
INFORMATION CONTAINED IN THE STATUTES OF CANADA

FOREWORD

This study contains the sections of the Statutes of Canada which prohibit the disclosure of federal government information and exceptions and restrictions to such prohibitions. Other sections relevant to the prohibitions are either included or a notation as to their content is provided. The study also includes those sections where a discretion exists in a Minister or other person concerning the release of information.

When the statute contains a prohibition and a separate penalty section, the latter has not been included unless it expands the prohibition section.

Provisions concerning the taking of an oath of secrecy have been included as such provisions justify the refusal of a public servant to provide information.

Those sections which permit or require a federal board, commission or tribunal to hold its hearings in camera are also included since the information received is, in effect, prevented from being disclosed.

ANTI-DUMPING ACT, R.S.C. 1970, c.A-15, s.29(3) as amended by S.C. 1970, c.3, s.7.

29. (3) Where evidence or information that is in its nature confidential, relating to the business or affairs of any person, firm or corporation, is given or elicited in the course of any inquiry under section 16, the evidence or information shall not be made public in such a manner as to be available for the use of any business competitor or rival of the person, firm or corporation.

ANTI-INFLATION ACT, S.C. 1974-75, c.75, ss. 14, 33(2), 34(4), 40.

14. (1) Except as provided in this section, all information with respect to a person, business or employee organization that is, in its nature, confidential and that is obtained by a member of the Anti-Inflation Board or by any person engaged in carrying out duties of that Board under this Act, in the course of carrying out those duties, is privileged and no person shall knowingly, except as expressly provided in this or any other Act, communicate or allow to be communicated to any person any such information except for the purposes of the administration or enforcement of this Act or allow any person to inspect or have access to any such information except for the purposes of the administration or enforcement of this Act.

(2) Any information with respect to a person, business or employee organization obtained by a member of the Anti-Inflation Board or any person engaged in carrying out the duties of the Board, in the course of carrying out those duties, may, on request in writing to the Chairman of the Anti-Inflation Board by or on behalf of the person or employee organization to which the information relates or the person carrying on the business to which the information relates, be communicated to any person or authority named in the request on such terms and conditions and under such circumstances as are approved by the Chairman of the Anti-Inflation Board.

(3) Notwithstanding any other Act or law, no Minister of the Crown and no person employed in the administration or enforcement of this Act shall

be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information.

(4) Subsections (1) and (3) do not apply in respect of proceedings before the Appeal Tribunal or any court of law relating to the administration or enforcement of this Act.

33. (2) A hearing before the Appeal Tribunal shall be held in public unless the Tribunal is satisfied that a public hearing would not be in the public interest, in which case the hearing or any part thereof may, at the discretion of the Tribunal, be held in camera.

34. (4) Where evidence or information with respect to a person or business that, in the opinion of the Appeal Tribunal, is in its nature confidential is given or elicited in the course of any hearing before the Appeal Tribunal, the evidence or information shall not be made public in such a manner as to be available for the use of any business competitor or rival of the person or business.

40. Section 14 applies, with such modifications in the terminology but not the principle thereof as the circumstances require, to all information with respect to a person or business obtained by any Minister of the Crown or any person engaged in the administration or enforcement of this Act who is not referred to in that section.

ATOMIC ENERGY CONTROL ACT, R.S.C. 1970, c.A-19, ss. 9(e), 18, and Schedule.

9. The Board may with the approval of the Governor in Council make regulations

(e) for the purpose of keeping secret information respecting the production, use and application of, and research and investigations with respect to, atomic energy, as in the opinion of the Board, the public interest may require;

18. (1) Every member and every officer and employee of and every person acting under the direction of the Board shall, before acting as such, take before a justice of the peace or a commissioner for taking affidavits, an oath of fidelity and secrecy in the form set out in the schedule.

(2) Every director and every officer and employee of a company shall, before acting as such, take before a justice of the peace or a commissioner for taking affidavits, an oath of fidelity and secrecy in the form set out in the schedule. R.S., c. 11, s. 19.

SCHEDULE

Oath of Fidelity and Secrecy (Section 18(1))

I.....do solemnly swear that I will faithfully, truly and to the best of my judgment, skill and ability, execute and perform the duties required of me as a member (or officer or employee or person acting under the direction, as the case may be), of the Atomic Energy Control Board.

I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Board, nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Board and relating to its business.

Oath of Fidelity and Secrecy (Section 18(2))

I.....do solemnly swear that I will faithfully, truly and to the best of my judgment, skill and ability, execute and perform the duties required of me as a director (or officer or employee, as the case may be,) of

I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the said company nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the said company and relating to its business.

R.S., c. 11, Sch.

BANK ACT, R.S.C. 1970, c.B-1, ss. 68(2), 92(4)(a), 117.

68. (2) The Inspector or any other person appointed or employed under section 64 or any person to whom any powers are delegated under subsection 65(4) shall not disclose to any other person, except the Minister, the Deputy Minister of Finance or the Governor of the Bank of Canada, or a representative of the latter if authorized by him in writing, any information regarding the business or affairs of a bank. 1966-67, c.87, s.68.

92. (4) The Minister may make regulations

(a) respecting the manner in which the cost of borrowing shall be disclosed to a borrower;

117. In addition to the returns required by sections 103 and 104 the bank shall furnish to the Bank of Canada such other information at such times and in such form as the Bank of Canada may require, but the bank shall not be required under this section to furnish information with respect to the accounts or affairs of any particular person.
1966-67, c.87, s.117.

BANK OF CANADA ACT, R.S.C. 1970, c.B-2, s.16, and Schedule A.

16. Every director, officer, clerk and employee of the Bank shall before entering upon his duties take before a justice of the peace or a commissioner for taking affidavits, an oath of fidelity and secrecy in the form prescribed in Schedule A. R.S., c.13, s.16.

SCHEDULE A

Oath of Fidelity and Secrecy

I,, do solemnly swear that I will faithfully, truly and to the best of my judgment, skill and ability, execute and perform the duties required of me as a director (officer or employee as the case may be) of the Bank of Canada and which properly relate to any office or position in the said Bank held by me.

I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Bank, nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Bank and relating to the business of the Bank. R.S., c.13, Sch. A.

QUEBEC SAVINGS BANKS ACT, R.S.C. 1970, c.B-4, s.59.

59. The Inspector or any other person appointed or employed under section 64 of the Bank Act or any person to whom any powers are delegated under subsection 56(3) shall not disclose to any other person, except the Minister, the Deputy Minister of Finance or the Governor of the Bank of Canada, or a representative of the latter if authorized by him in writing, any information regarding the business or affairs of a bank. 1966-67, c.93, s.59.

BRIDGES ACT, R.S.C. 1970, c.B-10, ss.17(1)(2), 18, 19.

17. (1) Every company shall within one month after the 1st days of January and July, in each year, make to the Minister, under the oath of its president, secretary or superintendent, a true and particular return of all accidents and casualties to life or property that have occurred on any bridge of the company during the respective half years next preceding

the said 1st days of January and July, setting forth

- (a) the causes and natures of the accidents and casualties;
- (b) whether they occurred by night or by day; and
- (c) the full extent thereof, and all the particulars of the accidents and casualties.

(2) The company shall also, at the same time, transmit a true copy of the existing by-laws of the company and of its rules and regulations for the management of the company and of its bridge.

R.S., c. 20, s. 17; 1966-67, c. 69, s. 36.

18. The Minister may, from time to time, order and direct the form in which returns under section 17 shall be made up, and may, with a view to public safety, from time to time, in addition to those returns, order and direct any company to make up and deliver to the Minister, in such form and manner as the Minister deems necessary and requires for his information, returns of serious accidents occurring in the course of public traffic upon any bridge belonging to such company, whether attended with personal injury or not. R.S., c. 20, s. 18; 1966-67, c. 69, s. 36.

19. All returns made under section 17 or 18 are privileged communications, and shall not be evidence in any court whatever. R.S., c. 20, s. 19.

BUSINESS PROFITS WAR TAX ACT, S.C. 1916, c. 11, s. 14.

14. No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act. Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding two hundred dollars.

CANADA BUSINESS CORPORATIONS ACT, S.C. 1974-75, c.33, ss.122(1)(8), 123.

122. (1) Unless he has filed or has been exempted from filing an insider report under the Canada Corporations Act, a person who is an insider of a body corporate on the day on which it is continued as a corporation under this Act shall, within ten days after the end of the month in which such day occurs, send to the Director an insider report in the prescribed form,^{*} if the corporation is a distributing corporation.

(8) Upon an application by or on behalf of an insider, the Director may make an order on such terms as he thinks fit exempting the insider from any of the requirements of this section, which order may have retrospective effect.

123. The Director shall summarize in a periodical available to the public the information contained in insider reports sent to him under section 122 and the particulars of exemptions granted under subsection (8) of that section together with the reasons therefor.

CANADA DEPOSIT INSURANCE CORPORATION ACT, S.R.C. 1970, c.C-3, s.39(2).

39. (2) Each officer, agent or employee of the Corporation shall, before entering upon his duties with the Corporation, take an oath of fidelity and secrecy in the form prescribed by the by-laws.

*

The report is to include the beneficial ownership of securities, direct or indirect held by the insider. (SOR75-682).

CANADA PENSION PLAN, R.S.C. 1970, c. C-5, ss.89, 107 as amended by S.C. 1974-75, c.4, s.49, 108(1)(a)(b), (2), 109(1)(a).

89. Subject to such conditions as may be prescribed, the Minister is entitled, for the purpose of ascertaining the age of any applicant or beneficiary, to obtain from the Dominion Bureau of Statistics, upon request, any information respecting the age of an applicant or beneficiary that is contained in the returns of any census taken more than 30 years before the date of the request. 1964-65, c.51, s.89.

107. (1) Except as provided in this section, all information with respect to any individual contributor or beneficiary obtained by an officer, clerk or employee of Her Majesty in the course of the administration of this Act is privileged, and no such officer, clerk or employee shall knowingly, except as provided in this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any such person to inspect or have access to any statement or other writing containing any such information.

(2) Any information with respect to an individual contributor or beneficiary obtained by an officer, clerk or employee of Her Majesty in the course of the administration of this Act may, upon request in writing to the Minister by or on behalf of the contributor or beneficiary or the legal representative of such person, be communicated to any person or authority named in the request upon such conditions and in such circumstances as may be prescribed.

(3) Any information obtained by an officer, clerk or employee in the Department of National Health and Welfare pursuant to this Act or any regulation may be made available to an officer, clerk or employee in the Department of National Revenue, the Department of Finance, the Department of Supply and Services, the Unemployment Insurance Commission, the Department of Insurance or the Dominion Bureau of Statistics where it is necessary to do so for the purposes of the administration of this Act.

- (4) Notwithstanding any other Act or law,
- (a) any information obtained by an officer, clerk or employee in the Department of National Revenue, the Department of Finance, the Department of Supply and Services or the Unemployment Insurance Commission for the purposes of the administration of this Act may be communicated by him to an officer, clerk or employee in the Department of National Health and Welfare, the Department of National Revenue, the Department of Finance, the Department of Supply and Services, the Department of Insurance or the Unemployment Insurance Commission for the purposes of the administration of this Act; and
- (b) where Social Insurance Numbers have been assigned under the authority of any other Act of Parliament, the Minister or other authority charged with the administration of that Act and the Minister may exchange any information contained in applications for such numbers and any numbers so assigned, and may make or cause to be made available any such information or numbers in such manner as may be authorized by that Act.

(5) Notwithstanding any other Act or law, no officer, clerk or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing any information so privileged.

(6) Subsections (1) and (5) do not apply in respect of proceedings relating to the administration or enforcement of this Act.

108. (1) The Minister may, on behalf of the Government of Canada, enter into an agreement with the government of a province providing a comprehensive pension plan,

- (a) under which any information obtained under this Act, including records of any amounts that are shown in the Record of Earnings to the accounts of persons who have made contributions under this Act and under the provincial pension plan of that province and that relate to the contributions made by those persons under this Act, may be furnished under

prescribed conditions to the appropriate authority of that province having the administration of the provincial pension plan, and under which any information obtained under the provincial pension plan may be furnished on a reciprocal basis to the Minister; and

(b) under which the Minister or the appropriate authority of that province, in accordance with such terms and conditions as may be specified in the agreement, may furnish to any person who has made contributions under this Act and under the provincial pension plan a statement of any amounts shown in the Record of Earnings or the appropriate records established under the provincial pension plan, as the case may be, to the account of such person, and may act upon or give effect to any request made by such person for reconsideration by the Minister or such appropriate authority, as the case may be, of any statement so furnished to him.

(2) The Minister may, on behalf of the Government of Canada, enter into an agreement with the government of any province for the purpose of obtaining information in connection with the administration and enforcement of this Act, and the Minister may, if he deems it in the public interest so to do, furnish to the government of any province, under prescribed conditions, information obtained by the Minister or on his behalf in the course of the administration or enforcement of this Act. 1964-65, c.51, s.108.

Reciprocal Agreements with Other Countries

109. (1) Where under any law of a country other than Canada, provision is made for the payment of old age or other benefits including survivors' or disability benefits, the Minister may, on behalf of the Government of Canada, upon such terms and conditions as may be approved by the Governor in Council, enter into an agreement with the government of that country for the making of reciprocal arrangements relating to the administration or operation of that law and of this Act, including, without restricting the generality of the foregoing, arrangements relating to

(a) the exchange of such information obtained under that law or this Act as may be necessary to give effect to any such arrangements;

CANADIAN NATIONAL RAILWAY CAPITAL REVISION ACT, R.S.C. 1952, c.311, s.19.

19. The Minister shall include annually in the Public Accounts a summary statement of all assistance, including land grants, guarantees and capital subsidies but not including grants made pursuant to statutes for the relief of unemployment, that has at any time been given by the Government of Canada to each of

- (a) the National System, including its predecessor companies,
- (b) the Pacific Railways as defined in the Canadian National - Canadian Pacific Act, including its predecessor companies, and
- (c) any other railway,

in such a manner as to show the property granted, the amounts granted, paid or guaranteed, the amounts repaid, the amounts written off and the amounts outstanding.

CENTRAL MORTGAGE AND HOUSING CORPORATION ACT, R.S.C. 1970, c.C-16, s.14(2) and Schedule.

14. (2) Each officer or employee employed by the Corporation shall before entering upon his duties, take, before a justice of the peace or a commissioner for oaths, an oath of fidelity and secrecy in the form prescribed in the schedule.

SCHEDULE

Oath of Fidelity and Secrecy

I,, do solemnly swear that I will faithfully, truly and to the best of my judgment, skill and ability, execute and perform the duties required of me as a director (officer or employee as the case may be) of the Central Mortgage and Housing Corporation and which properly relate to any office or position in the said Corporation held by me.

I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Corporation, nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation. R.S., c.46, Sch.

COMBINES INVESTIGATION ACT, R.S.C. 1970, c.C-23, ss.11(1), 19(5)(6), 22(1)(3) (4)(5), 27, 45. (ss.27 and 45 are amended by S.C. 1974-75, c.76, ss.9, 21, 22).

11. (1) All books, papers, records or other documents obtained or received by the Director may be inspected by him and also by such persons as he directs.

19. (5) Any report of the Commission shall within thirty days after its receipt by the Minister be made public, unless the Commission states in writing to the Minister it believes the public interest would be better served by withholding publication, in which case the Minister may decide whether the report, either in whole or in part, shall be made public.

(6) The Minister may publish and supply copies of a report referred to in subsection (5) in such manner and upon such terms as he deems proper. R.S., c.314, s.19; 1960, c.45, s.9.

22. (1) Notwithstanding subsections 19(1) and (2), when, in any inquiry relating to alleged situations contrary to section 32 or 33,^{*} the Commission, after reviewing the statement submitted by the Director and receiving argument in support thereof and in reply thereto, is then unable effectively to appraise the effect on the public interest of the arrangements and practices disclosed in the evidence, it shall make an interim report in writing, which shall contain a review of the evidence and a statement of

* These sections apply to agreements in restraint of trade.

the reasons why the Commission is unable to appraise effectively the effect of such arrangements and practices on the public interest, and without delay, such report shall be transmitted to the Minister.

(3) When the Commission has obtained such further information as it deems necessary to appraise effectively the effect on the public interest of the practices and arrangements referred to in subsection (1), it shall make a final report in writing and without delay transmit it to the Minister, and section 19 applies to such report and to all books, papers, records and other documents obtained in the investigation and subsequent inquiry upon which such report is based.

(4) Until the final report is made, the Commission shall, after making an interim report as provided in subsection (1), as soon as possible after the 31st day of March in each year and in any event within three months thereof submit to the Minister an annual report setting out any further action taken and evidence obtained since such interim report was submitted.

(5) Subsections 19(5) and (6) apply to an interim report and an annual report made pursuant to this section. R.S., c.314, s.22; 1960, c.45, s.10.

27. (1) All inquiries under this Act shall be conducted in private, except that the Chairman of the Commission may order that all or any portion of such an inquiry that is held before the Commission or any member thereof be conducted in public.

45.1 (3) Nothing in this section compels or authorizes the Chief Statistician of Canada or any officer of a department or agency of the Government of Canada to disclose any particulars relating to an individual or business in a manner that is prohibited by any provision of an enactment of Parliament or of a provincial legislature designed for the protection of such particulars.

COOPERATIVE CREDIT ASSOCIATIONS ACT, S.C. 1975, c.37, s.89(3)

89. (3) The capital budget of the Corporation submitted pursuant to subsection 70(2) of the Financial Administration Act shall not include information relating to anticipated capital requirements of the Corporation under this section.

CORPORATIONS AND LABOUR UNIONS RETURNS ACT, R.S.C. 1970, c.C-31, ss.15, 18.

15. (1) Except as provided in this section, all information contained in any statement comprised in Section B^{*} of a return filed by a corporation or a union as required by this Act is privileged, and no official or authorized person shall, knowingly,

(a) communicate or allow to be communicated to any person any such information (hereinafter in this section referred to as "privileged information") obtained under this Act, or

(b) allow any person to inspect or have access to any statement or other writing containing any privileged information obtained under this Act.

(2) Notwithstanding any other Act or law, no official or authorized person shall be required, in connection with any legal proceedings,

(a) to give evidence relating to any privileged information obtained under this Act, or

(b) to produce any statement or other writing containing any privileged information obtained under this Act.

(3) Subsections (1) and (2) do not apply in respect of proceedings relating to the administration or enforcement of this Act.

* This section contains information concerning the financial position of the Corporation.

(4) An official who is an officer or other person employed in the execution of any duty under the Statistics Act or any regulation thereunder may

- (a) communicate or allow to be communicated to any other such official any privileged information obtained under this Act, and
- (b) allow any other such official to inspect or have access to any statement or other writing containing any privileged information obtained under this Act.

(5) Notwithstanding anything in this section, in no case shall any privileged information obtained under this Act be communicated to any person for the purpose of facilitating the institution or furtherance of any proceedings brought or taken or that may be brought or taken under any law of Canada other than this Act.

18. (1) The Minister shall, as soon as possible after the end of each year, cause to be prepared a report containing a statistical summary and analysis of information obtained under this Act, contained in returns filed by corporations and unions for reporting periods coinciding with or ending in that year, and shall cause such report to be laid before Parliament forthwith upon its completion, if Parliament is then sitting, or if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

(2) In any report described in subsection (1) the statistical summary and analysis contained therein shall be so presented or shown as not to disclose particulars of, or identify or permit identification of the source of, information contained in any statement comprised in Section B of a return filed by a corporation or union as required by this Act.

1962, c.26, s.16.

CANADA CORPORATIONS ACT, R.S.C. 1970, c.C-32, ss. 100, 114 as amended by R.S.C. 1970, 1st Supp., c.10, ss.7, 12.

100.1 (1) A person who is an insider of a company on the day on which this section comes into force shall, within ten days after the end of the month in which such day occurs, file with the Department of Consumer and Corporate Affairs a report, as of such day, of

(a) his direct or indirect beneficial ownership of securities of the company, and

(b) the control or direction that he exercises over the equity shares of the company,

each of which ownership, control or direction mentioned in paragraphs (a) and (b) is hereinafter referred to as an "insider interest in the securities of the company".

(10) Upon the application of an interested person, supported by such affidavits, documents and other evidence from that or any other person as the Minister may require, the Minister may, if satisfied in the circumstances of the particular case that there is adequate justification for so doing, make an order on such terms and conditions as seem to him just and expedient exempting in whole or in part the person from the requirements of this section and, if the Minister so decides, such order may have retrospective effect.

100.2(3) The Minister may summarize in or as part of a monthly periodical for distribution to the public on payment of the fee prescribed therefor by the regulations, the information contained in the reports so filed as well as any exemption granted under subsection 100.1(10) and the reason therefor.

114. (23) At any stage of an investigation

(a) the inspector may, if he is of the opinion that the evidence obtained discloses a circumstance alleged under subsection (2)^{*}, or

*

This subsection enumerates the grounds for which the Restrictive Trade Practices Commission (Combines Investigation Act) may order the investigation of a company.

(b) the inspector shall, if so required by the Minister, prepare a statement of the evidence obtained in the investigation, which shall be submitted to the Commission and to each person against whom an allegation is made therein.

(25) The Commission shall consider the statement submitted by the inspector under subsection (23) together with any further or other evidence or material submitted to the Commission, and shall, as soon as possible thereafter, report thereon to the Minister.

(26) A report of the Commission under subsection (25) shall be made public by the Minister unless in the opinion of the Commission, given in its report to the Minister, it is undesirable in the public interest or unnecessary to publish the report or any part thereof in which case the report or the part so reported upon shall not be published.

CRIMINAL CODE, R.S.C. 1970, c.C-34, s.46(1)(e).

46. (1) Every one commits treason who, in Canada,
(e) without lawful authority, communicates or makes available to an agent of a state other than Canada, military or scientific information or any sketch, plan, model, article, note or document of a military or scientific character that he knows or ought to know may be used by that state for a purpose prejudicial to the safety or defence of Canada;

CRIMINAL RECORDS ACT, R.S.C. 1970, 1st Supp. c.12, s.6(2)

6. (2) Any record of a conviction in respect of which a pardon has been granted that is in the custody of the Commissioner or of any department or agency of the Government of Canada shall be kept separate and

apart from other criminal records, and no such record shall be disclosed to any person, nor shall the existence of the record or the fact of the conviction be disclosed to any person, without the prior approval of the Minister who shall, before granting such approval, satisfy himself that the disclosure is desirable in the interests of the administration of justice or for any purpose related to the safety or security of Canada or any state allied or associated with Canada.

CULTURAL PROPERTY EXPORT AND IMPORT ACT, 1974-75-76, S.C., c.50, s.22(2)(3).

22. (2) The Review Board shall make the substance of any information received by it in respect of a matter before it known to the person who applied for an export permit in respect of the object to which the matter relates, or the person, institution or public authority that applied for a determination under subsection 26(1), as the case may be, and, before the Review Board decides the matter, it shall give that person, institution or public authority an opportunity to make representations in respect of that information.

(3) The Review Board may exclude any person not directly interested in a matter being heard before it from the hearing unless, where the matter is in respect of an object in respect of which an application for an export permit has been made, the applicant for the permit requests that the hearing be held in public, in which case it shall be so held.

CURRENCY AND EXCHANGE ACT, R.S.C. 1970, c.C-39, s.19(1).

19. (1) No person employed in the service of Her Majesty or the Bank of Canada shall communicate to any person not legally entitled thereto under this Act or by direction of the Minister, or allow any such person to have access to, or any information or written statement with respect to, the Exchange Fund Account or the operation thereof.

CUSTOMS ACT, R.S.C. 1970, c.C-40, s.172(3).

172. (3) In no case shall an invoice be shown or a copy thereof given to any person other than the importer, or an officer, except upon the order or subpoena of a court of justice. R.S., c.58, s.170; 1968-69, c.18, s.11.

DEFENCE PRODUCTION ACT, R.S.C. 1970, c.D-2, s.23.

23. No information with respect to an individual business that has been obtained under or by virtue of this Act shall be disclosed without the consent of the person carrying on that business except,

(a) to a government department, or any person authorized by a government department, requiring such information for the purpose of the discharge of the functions of that department, or

(b) for the purposes of any prosecution for an offence under this Act, or, with the consent of the Minister, for the purposes of any civil suit or other proceeding at law. R.S., c.62, s.35.

DEFENCE SUPPLIES ACT, R.S.C. 1952, c.64, s.3(1)(g)(2)(3), 9.

3. (1) The Minister may

(g) require any person to furnish such information respecting defence supplies dealt in by him or projects of a type executed by him or respecting his production and other facilities relating thereto in such time and manner as the Minister may specify;

(2) No person shall disclose any information furnished under paragraph (g) of subsection (1) without the consent of the person from whom it was obtained, except

- (a) to an official of a Government department requiring such information for defence purposes,
- (b) in any prosecution for an offence under this Act, or
- (c) with the consent of the Minister, in any civil action or proceedings.

(3) Section 36 of the Public Works Act^{*} does not apply to a contract made under this Act, if

- (a) disclosure of the specifications for the contract would, in the opinion of the Minister or the Minister of National Defence, be prejudicial to the interests of defence,
- (b) the contract is to be executed by the Canadian Commercial Corporation or any company to which the Government Companies Operation Act applies,
- (c) the contract is for the construction or repairing of a ship, or
- (d) in the opinion of the Governor in Council, the contract should, in the public interest, be exempt from the provisions of that section. 1950, c.33, s.3.

9. This Act shall have no force or effect while the Defence Production Act remains in force except in so far as it is necessary to give effect to anything done under this Act before the 1st day of April, 1951.
1951, c.4, s.40.

* This section permits the calling of tenders for public works to be made by public advertisements.

DISABLED PERSONS ACT, R.S.C. 1970, c.D-6, ss.6, 11(1)(e).

6. Subject to the conditions specified in the regulations, a provincial authority is entitled, for the purpose of ascertaining the age of a recipient, to obtain from the Dominion Bureau of Statistics any information respecting the age of a recipient that is contained in the returns of any census taken more than thirty years before the date of the application for such information. 1953-54, c.55, s.6.

11. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make regulations providing for

(e) the conditions under which information may be obtained from the Dominion Bureau of Statistics as provided in section 6;

DOMINION SUCCESSION DUTY ACT, R.S.C. 1952, c.89, s.55(1).

55. (1) No person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

ELECTION EXPENSES ACT, S.C. 1973-74, c.51, s.20 (amending Income Tax Act R.S.C. 1952, c.148, s.230).

230.1 (4) The Minister shall, notwithstanding section 241, as soon as is reasonably possible after each election and at such other time as is appropriate having regard to the time of receipt by him of returns of information under subsection (2), forward to the Chief Electoral Officer

a report based on all such returns of information and duplicate receipts as have been received by him since the most recent such report, setting out the aggregate of contributions made to each registered party and the aggregate of contributions made to each candidate at an election of a member or members to serve in the House of Commons of Canada since the most recent such report, and, upon receipt thereof by the Chief Electoral Officer, the report is a public record and may be inspected by any person upon request during normal business hours.

(5) No report under subsection (4) shall contain information that would enable any person to identify a person by whom a contribution to a registered party or candidate was made.

CANADA ELECTIONS ACT, R.S.C.1970, 1st Supp., c.14, ss.36(3), 44(1)(c)(e)(f); Schedule I, Form 40; Schedule II, Part I, s.16; Schedule II, Part VII, s.93; Schedule II, Form I.

36. (3) Each of the agents of a candidate, and, in the absence of agents, each of the electors representing the candidate, on being admitted to the polling station, shall take an oath in Form No. 40 to keep secret the name of the candidate for whom the ballot paper of any elector is marked in his presence.

44. (1) Every candidate, officer, clerk, agent or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and no candidate, officer, clerk, agent or other person shall,

(c) at any time, communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling station;

(e) at any time, communicate to any person any information obtained at a polling station as to the candidate for whom any elector at the polling station is about to vote or has voted; or

(f) at the counting of the votes, attempt to obtain any information or communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.

Form No. 40

Oath of Agent or Elector Representing Candidate

I, the undersigned (insert name of candidate's agent) agent of (or elector representing) (insert name of candidate), one of the candidates at the pending election in the electoral district of, do swear (or) solemnly affirm that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the said election. (So help me God.)

16. (1) During the week commencing Monday the 21st day before polling day, the Chief Electoral Officer shall provide each special returning officer with the lists referred to in paragraph 37(5)(b).*

(2) The lists referred to in subsection (1)

(a) shall not be open to inspection, copied or extracted except by the Chief Electoral Officer, a special returning officer or a member of the staff of either of them for the purposes described in subparagraph 74(b)(i); and

(b) shall be carefully locked up when not in use.

(3) Nothing in subsection (2) shall prohibit the use of the lists referred to in subsection (1)

(a) by the Canadian Forces or the public service of Canada for official purposes; or

(b) in respect of a provincial election where it is necessary to establish the entitlement of members of the Canadian Forces or members of the public service of Canada to vote at that election.

*

This section refers to the lists of Canadian Forces and Public Service electors.

(4) Subsection (2) of this section and paragraph 86(a) apply, with such modifications as the circumstances require, in respect of the use of lists referred to in subsection (1) for a provincial election.

93. The sections of the Act, relating to the custody, inspection and production of election documents, apply, with such modifications as the circumstances require, to documents transmitted to the Chief Electoral Officer pursuant to section 86 of these Rules and received by him.

Form No. 1

Oath of Office of Special Returning Officer (Sec. 6)

I, the undersigned, appointed pursuant to subsection 6(1) of the Special Voting Rules as special returning officer for the forthcoming general election for the voting territory consisting of
....., do swear (or) solemnly affirm that:

1. I will act faithfully in my capacity of special returning officer, without partiality, fear, favour or affection,

2. I will keep secret the name of the candidate for whom any elector or dependant elector has marked his ballot paper at the general election, should I acquire any information with respect thereto during my tenure of office as special returning officer, and

3. I will not reveal the number of votes cast for each candidate except in the manner prescribed in these Rules. (So help me God.)

.....

Signature of special returning officer

EXPLOSIVES ACT, R.S.C. 1970, c.E-15, s.23, as amended by S.C. 1974-75, c.60, s.9.

23. Any person employed in the administration or enforcement of this Act who, without the express authority of the Minister, discloses any confidential information is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both.

EXPORT AND IMPORT PERMITS ACT, R.S.C. 1970, c.E-17, s.25.

25. All officers, as defined in the Customs Act, have, with respect to any goods to which this Act applies, all the powers they have under the Customs Act with respect to the importation and exportation of goods, and all the provisions of that Act and the regulations thereunder respecting search, detention, seizure, forfeiture and condemnation apply, mutatis mutandis, to any goods that are tendered for export or import or exported or imported or otherwise dealt with contrary to this Act and the regulations and to all documents relating to such goods. 1953-54, c.27, s.25.

EXPROPRIATION ACT, R.S.C. 1970, 1st Supp., c.16, s.4(3).

4. (3) Where, in the opinion of the Minister, the interest to which a notice of intention described in this section relates is required by the Crown for a purpose related to the safety or security of Canada or a state allied or associated with Canada and it would not be in the public interest further to indicate such purpose, a statement in the notice to the effect that the interest is required by the Crown for such a purpose is sufficient compliance with paragraph (1)(c) without further indication thereof.

FAMILY ALLOWANCES ACT 1973, S.C. 1973, c.44, ss.17, 18.

17. (1) Except as provided in this section or section 18, all information with respect to any individual obtained by the Minister or an officer or employee of Her Majesty in the course of the administration of this Act and the regulations or the carrying out of an agreement entered into under section 18 is privileged and no person shall knowingly, except as provided in this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any person not legally entitled thereto to inspect or have access to any such information.

(2) Any information obtained by the Minister or an officer or employee in the Department of National Health and Welfare in the course of the administration of this Act and the regulations or the carrying out of an agreement entered into under section 18 may be communicated

(a) to an officer or employee in the Department of Indian Affairs and Northern Development, the Department of Manpower and Immigration, the Department of National Revenue, the Department of Supply and Services or the Unemployment Insurance Commission; or

(b) to an officer or employee in Statistics Canada for any purpose with respect to which a person authorized by the Chief Statistician may obtain information under the Statistics Act.

(3) Notwithstanding any other Act or law, no officer or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing any such information.

(4) Subsections (1) and (3) do not apply in respect of proceedings relating to the administration or enforcement of this Act.

18. The Minister may enter into an agreement with the government of a province for the purpose of obtaining information from the province in connection with the administration of this Act and the regulations and to furnish to the government of the province any information

(a) provided directly to the Minister or an officer or employee in the Department of National Health and Welfare by any person, department,

agency or institution that has made an application under this Act and under any law of the province respecting family allowances or social allowances or any other assistance provided by the province; or (b) derived solely from information provided in the manner described in paragraph (a).

FEDERAL BUSINESS DEVELOPMENT BANK ACT, S.C. 1974-75, c.14, s.37(2), and Schedule.

37. (2) Every director, officer or employee of the Corporation, every agent, adviser and consultant whose services are engaged by the Corporation and every member of a Council appointed under subsection 16(1) shall before entering upon his duties take, before a justice of the peace or a commissioner of oaths, an oath or affirmation of office in the form set out in the schedule.

Schedule

Oath or Affirmation of Office

I,, do solemnly swear (or affirm) that I will faithfully, truly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me as a director (officer, employee or agent, as the case may be) of (or adviser or consultant to, as the case may be) the Federal Business Development Bank and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of (or adviser or consultant to, as the case may be) the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I, without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

FEDERAL COURT ACT, R.S.C. 1970, 2nd Supp. c.10, ss. 41(1)(2)

41. (1) Subject to the provisions of any other Act and to subsection (2) when a Minister of the Crown certifies to any court by affidavit that a document belongs to a class or contains information which on grounds of a public interest specified in the affidavit should be withheld from production and discovery, the court may examine the document and order its production and discovery to the parties, subject to such restrictions or conditions as it deems appropriate, if it concludes in the circumstances of the case that the public interest in the proper administration of justice outweighs in importance the public interest specified in the affidavit.

(2) When a Minister of the Crown certifies to any court by affidavit that the production or discovery of a document or its contents would be injurious to international relations, national defence or security, or to federal-provincial relations, or that it would disclose a confidence of the Queen's Privy Council for Canada, discovery and production shall be refused without any examination of the document by the court.

FINANCIAL ADMINISTRATION ACT, R.S.C. 1970, c.F-10, s.57(3).

57. (3) The Auditor General shall require every person employed in his office who is to examine the accounts of a department pursuant to this Act to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by persons employed in that department.

FOREIGN INVESTMENT REVIEW ACT, S.C. 1973, c.46, s.14.

14. (1) Except as provided in this section, all information with respect to a person, business or proposed business obtained by the Minister or an officer or employee of Her Majesty in the course of the administration of this Act is privileged and no person shall knowingly, except as provided in this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any person not legally entitled thereto to inspect or have access to any such information.

(2) Any information with respect to a person, business or proposed business obtained by the Minister or an officer or employee of Her Majesty in the course of the administration of this Act may, .

(a) on request in writing to the Agency by or on behalf of the person to which the information relates or by or on behalf of the person or group of persons carrying on or proposing to carry on the business or new business to which the information relates, be communicated to any person or authority named in the request, or
(b) for any purpose relating to the administration of this Act, be communicated to a Minister of the Crown in right of any province or to an officer or employee of Her Majesty in right thereof on such terms and conditions and under such circumstances as are approved by the Minister.

(3) Notwithstanding any other Act or law, no Minister of the Crown and no officer or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information.

(4) Subsections (1) and (3) do not apply in respect of

(a) legal proceedings relating to the administration or enforcement of this Act,

(b) consultations under paragraph 11(3)(b) with any party to a proposed or actual investment in relation to which the information was obtained, or

(c) information contained in any written undertaking given to Her Majesty in right of Canada relating to an investment that has been allowed by order of the Governor in Council,

but no Minister of the Crown and no officer or employee of Her Majesty may be required, in connection with any legal proceedings or otherwise, to give evidence relating to or otherwise to disclose any information referred to in paragraph (c) where, in the opinion of the Minister, the disclosure of such information is not necessary for any purpose relating to the administration

or enforcement of this Act, and would prejudicially affect the person who gave the undertaking in the matter or conduct of his business affairs.

GRAIN FUTURES ACT, R.S.C. 1970, c.G-17, s.4(3).

4. (3) The supervisor shall, before acting as such, take and subscribe before a superior or county court judge, and cause to be filed with the Board, an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the duties of my office and that while I continue to hold such office, I will not accept or hold any other office or employment, or be interested, either directly or indirectly, as shareholder in any company or partner in any firm or otherwise, in any commercial dealing in relation to grain. And I further solemnly swear that I will not reveal to anyone, except in the course of my duty, any information that I may obtain in the performance of such duty. So Help Me God.

DEPARTMENT OF THE GEOLOGICAL SURVEY ACT, S.C. 1890, c.11, s.10(c).

10. No person employed in or under the Department shall

(c) Disclose to any person, except his superior officer, any discovery made by him or by any other officer of the Department, or any other information in his possession in relation to matters under the control of the Department or to Dominion or Provincial lands, until such discovery or information has been reported to the Minister of the Interior, and his permission for such disclosure has been obtained;

HAZARDOUS PRODUCTS ACT, R.S.C. 1970, c.H-3, ss.9(6), 10(1)(3).

9. (6) Any report of the Board shall, within thirty days after its receipt by the Minister, be made public by him, unless the Board states in writing to the Minister that it believes the public interest would be better served by withholding publication, in which case the Minister may decide whether the report, either in whole or in part, shall be made public.

10. (1) Where the Minister has reason to believe that a product or substance is a product or substance that may be added to Part I or Part II of the schedule by an order made pursuant to section 8, he may send a written notice to the manufacturer of the product or substance requesting him to disclose to the Minister the formula, composition or chemical ingredients of the product or substance and such other information in the possession of the manufacturer as the Minister deems necessary for the purpose of determining whether the product or substance is or is likely to be a danger to the health or safety of the public.

(3) Information received by the Minister from a manufacturer pursuant to subsection (1) is privileged and shall not be disclosed to any other person except as may be necessary for the administration or enforcement of this section or for the purposes of section 8. 1968-69, c.42, s.10.

THE DEPARTMENT OF INDUSTRY, TRADE AND COMMERCE ACT, R.S.C. 1970, c.I-11, s.6, as amended by S.C. 1974-75, c.59, s.1.

6.1 (2) Every person who has been designated by the Minister of Industry, Trade and Commerce for the purposes of this section shall take and subscribe the following oath or affirmation:

I....., do solemnly swear (or) affirm that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my having been designated by the Minister of Industry, Trade and Commerce for the purposes of section 6.1 of the Department of Industry, Trade and Commerce Act.

(4) Except for the purposes of a prosecution under subsection (6) or (7), but subject to subsection (5),

(a) no person, other than a person who has taken and subscribed an oath or affirmation pursuant to subsection (2) and who has been designated by the Minister of Industry, Trade and Commerce for the purposes of this section, shall be permitted to examine copies of invoices or other documents made available by the Minister of National Revenue pursuant to subsection (1); and

(b) no person who has examined any such copy shall disclose or knowingly cause to be disclosed, by any means, any particulars obtained in the course of the examination in such a manner that it is possible from such disclosure to relate the information to any identifiable importer or agent or customer of an importer.

(5) The Minister of Industry, Trade and Commerce may, by order, authorize the following information to be disclosed:

(a) information relating to a person or organization in respect of which disclosure is consented to in writing by the person or organization concerned;

(b) information relating to a business in respect of which disclosure is consented to in writing by the owner for the time being of the business; and

(c) information available to the public under any statutory or other law.

(6) Every person who knowingly contravenes subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

(7) Every person who, after having taken and subscribed an oath or affirmation pursuant to subsection (2), and having been designated by the Minister of Industry, Trade and Commerce for the purposes of this section, uses any information obtained in the examination of copies of invoices or other documents made available by the Minister of National Revenue pursuant to subsection (1) for the purpose of speculating in any stocks, bonds or other security or any product or article is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

(8) Except for the purposes of a prosecution under subsection (6) or (7), any copy of an invoice or other document made available by the Minister of National Revenue pursuant to subsection (1) is privileged and shall not be used as evidence in any proceedings whatever, and no person who has taken and subscribed an oath or affirmation pursuant to subsection (2) and who has been designated by the Minister of Industry, Trade and Commerce for the purposes of this section shall, by an order of any court, tribunal or other body, be required in any proceedings whatever to give oral testimony or to produce any copy of an invoice or other document with respect to any information obtained pursuant to this section.

INCOME TAX ACT, S.C. 1970-71-72, c. 63, s. 241.

241. (1) Except as authorized by this section, no official or authorized person shall

(a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act, or

(b) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(2) Notwithstanding any other Act or law, no official or authorized person shall be required, in connection with any legal proceedings,

(a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act, or

(b) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

(3) Subsections (1) and (2) do not apply in respect of criminal proceedings, either by indictment or on summary conviction, under an Act of the Parliament of Canada, or in respect of proceedings relating to the administration or enforcement of this Act.

(4) An official or authorized person may,

(a) in the course of his duties in connection with the administration or enforcement of this Act,

(i) communicate or allow to be communicated to an official or authorized person information obtained by or on behalf of the Minister for the purposes of this Act, and

(ii) allow an official or authorized person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act;

(b) under prescribed conditions, communicate or allow to be communicated information obtained under this Act, or allow inspection of or access to any written statement furnished under this Act to the government of any province in respect of which information and written statements obtained by the government of the province, for the purpose of a law of the province that imposes a tax similar to the tax imposed under this Act, is communicated or furnished on a reciprocal basis to the Minister; or

(c) communicate or allow to be communicated information obtained under this Act, or allow inspection of or access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act, to or by any person otherwise legally entitled thereto.

(5) Notwithstanding anything in this section, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to the person from whom such book, record, writing, return or other document was obtained or the legal representative of such person, or to the agent of such person or of such legal representative authorized in writing in that behalf.

(6) An order or direction made in the course of or in connection with any legal proceedings requiring an official or authorized person to give evidence relating to any information or produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act, may, by notice served upon all interested parties, be appealed forthwith by the Minister or by the person against whom the order or direction is made to

- (a) the court of appeal of the province in which the order or direction is made, in the case of an order or direction made by a court or other tribunal established by or pursuant to the laws of the province, whether or not such court or tribunal is exercising a jurisdiction conferred by the laws of Canada; or
- (b) the Federal Court of Appeal, in the case of an order or direction made by a court or other tribunal established by or pursuant to the laws of Canada.

INDUSTRIAL DEVELOPMENT BANK ACT, R.S.C. 1970, c.I-9, s.9(1) and Schedule.

9. (1) The Bank may employ such officers, advisers and employees for such purposes and on such terms and conditions as may be deemed desirable by the Board and each officer, adviser or employee so employed shall, before entering upon his duties, take, before a justice of the peace or a commissioner of oaths, an oath of fidelity and secrecy in the form prescribed in the schedule.

Schedule

Oath of Fidelity and Secrecy

I,, do solemnly swear that I will faithfully, truly and to the best of my judgment, skill and ability, execute and perform the duties required of me as a director (officer or employee as the case may be) of the Industrial Development Bank and which properly relate to any office or position in the said Bank held by me.

I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Bank, nor will I allow any such person to inspect or have access to any books or documents belonging to or in the

possession of the Bank and relating to the business of the Bank.
R.S., c.151, Sch.

INDUSTRIAL RESEARCH AND DEVELOPMENT INCENTIVES ACT, R.S.C. 1970,
c. I-10, ss. 13, 15(2).

13. All information with respect to a corporation obtained by an officer or employee of Her Majesty in the course of the administration of this Act is privileged, and no such officer or employee shall knowingly, except as may be necessary for the purposes of sections 11 and 12 * or in respect of proceedings relating to the administration or enforcement of this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any such person to inspect or have access to any application or other writing containing any such information. 1966-67, c. 82, s. 13.

JUDGES ACT, R.S.C. 1970, c. J-1, s. 32(5)(6), as amended by S.C. 1970-71, c. 55, s. 11.

32. (5) The [Canadian Judicial] Council may prohibit the publication of any information or documents placed before it in connection with, or arising out of, an inquiry or investigation under this section when it is of opinion that such publication is not in the public interest.

(6) An inquiry or investigation under this section may be held in public or in private, unless the Minister of Justice of Canada requires that it be held in public.

* These sections deal with information to be provided to the Minister.

CANADA LABOUR CODE, R.S.C. 1970, c. L-1, ss. 72, 84(1)(k)(p), 89, 93, 136, 139(1), 142, 150(1)(2), 159(1)(4), 170 as amended by S.C. 1972, c. 18, s. 170.

72. Where a person who makes a complaint to the Minister requests that his name and identity be withheld, his name and identity shall not be disclosed by the Minister or his officials except where disclosure is necessary for the purposes of a prosecution or is considered by the Minister to be in the public interest. 1964-65, c. 38, s. 46.

84. (1) Subject to any other Act of the Parliament of Canada and any regulations thereunder, the Governor in Council may make regulations for the safety and health of persons employed upon or in connection with the operation of any federal work, undertaking or business and for the provision therefor of safety measures in the operation or use of plants, machinery, equipment, vehicles, materials, buildings, structures and premises used or to be used in connection with the operation of any federal work, undertaking or business and in particular, but without restricting the generality of the foregoing, may make regulations

(k) respecting the furnishing of information to the Minister or a safety officer as to the location of the work, undertaking or business and the nature of the operations carried on or to be carried on therein, and the nature and amount of the materials used or to be used in the operations;

(p) governing the maintenance, production and inspection of records.

89. (1) The Minister may undertake research into the cause of and the means of preventing employment injury and may, where he deems it appropriate, undertake such research in cooperation with any department or agency of the Government of Canada or with any or all provinces or with any organization undertaking similar research.

(2) The Minister may publish the results of any research undertaken pursuant to this section and compile, prepare and disseminate data

or information bearing upon safety or health of employees obtained from such research or otherwise. 1966-67, c. 62, s. 12.

93. (1) No safety officer shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties pursuant to this Part except with the written permission of the Minister.

(2) No safety officer who is admitted into any place in pursuance of the powers conferred by section 91 * shall disclose to any person any information obtained by him therein with regard to any process or trade secret except for the purposes of this Part or as required by law.

(3) No person, except for the purposes of this Part or for the purposes of a prosecution under this Part, shall publish or disclose the results of any particular analysis, examination, testing, inquiry or sampling made or taken by or at the request of a safety officer pursuant to section 91.

(4) No person to whom information obtained pursuant to section 91 is communicated in confidence:

- (a) shall divulge the name of the informant to any person except for the purposes of this Part; or
- (b) is competent or compellable to divulge the name of the informant before any court or other tribunal.

136. Each member of a Conciliation Board shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:

I do solemnly swear (affirm) that I will faithfully, truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of member of the Conciliation Board appointed to and will not, except in the discharge of my duties, disclose to any person

* This section deals with inspections to be performed by a safety officer.

any of the evidence or other matter brought before the said Board. So help me God. R.S., c. 152, s. 30.

139. (1) A Conciliation Board has the power of summoning before it any witnesses and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the Conciliation Board deems requisite to the full investigation and consideration of the matters referred to it, but the information so obtained from such documents shall not, except as the Conciliation Board deems expedient, be made public.

142. On receipt of the report of a Conciliation Board the Minister shall forthwith cause a copy thereof to be sent to the parties and he may cause the report to be published in such manner as he sees fit.
R.S., c. 152, s. 36.

150. (1) A person claiming to be aggrieved because of an alleged violation of any of the provisions of this Part may make a complaint in writing to the Minister and the Minister, upon receipt of such complaint, may require an Industrial Inquiry Commission appointed by him pursuant to section 159 or a Conciliation Officer to investigate and make a report to him in respect of the alleged violation.

(2) Upon receipt of a report pursuant to subsection (1), the Minister shall furnish a copy to each of the parties affected and if the Minister considers it desirable to do so, shall publish the report in such manner as he sees fit.

159. (1) The Minister may either upon application or of his own initiative, where he deems it expedient, make or cause to be made any inquiries he thinks fit regarding industrial matters, and may do such

things as seem calculated to maintain or secure industrial peace and to promote conditions favourable to settlement of disputes.

(4) Upon receipt of a report of an Industrial Inquiry Commission relating to any dispute or difference between employers and employees the Minister shall furnish a copy to each of the parties affected and shall publish the same in such manner as he sees fit.

170. Where the Minister has received the report of a conciliation commissioner or a conciliation board, the Minister

(a) shall forthwith send a copy of the report to the parties to the dispute; and

(b) may make the report available to the public in such manner as he considers advisable.

DEPARTMENT OF NATIONAL HEALTH AND WELFARE ACT, R.S.C. 1970, c. N-9, s. 5(g).

5. The duties, powers and functions of the Minister extend to and include all matters relating to the promotion or preservation of the health, social security and social welfare of the people of Canada over which the Parliament of Canada has jurisdiction, and, without restricting the generality of the foregoing, particularly the following matters:

(g) subject to the Statistics Act, ^{*} the collection, publication and distribution of information relating to the public health, improved sanitation and social and industrial conditions affecting the health and lives of the people.

NATIONAL ENERGY BOARD ACT, R.S.C. 1970, c. N-6, s. 23.

23. Studies and reports of the Board made under this Part may be made public with the approval of the Minister. 1959, c. 46, s. 23.

* See page 113 and following for Statistics Act.

NATIONAL FILM ACT, R.S.C. 1970, c. N-7, s. 13(5) and Schedule.

13. (5) Each officer or employee employed by the Board under this section shall, before entering upon his duties, take an oath of office and secrecy in the form set out in the schedule.

Schedule

Oath of Office and Secrecy

I, (A.B.), solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me by reason of my employment with the National Film Board and that I will not, without due authority in that behalf, disclose or make known any matter which comes to my knowledge by reason of such employment. So help me, God. R.S., c. 185, Sch.

NATURAL PRODUCTS MARKETING ACT, 1934, S.C. 1934, c. 57, s. 21.

21. (1) Any report of a committee shall within thirty days after its receipt by the Minister be made public, unless the committee is of the opinion that the public interest would be better served by withholding publication and so states in the report itself, in which case the Minister may exercise his discretion as to the publicity to be given to the report in whole or in part.

(2) The Minister may publish and supply copies of any report in such manner and upon such terms as to him seems most desirable.

OFFICIAL LANGUAGES ACT, R.S.C. 1970, c. O-2, s. 28(1), 33(2).

28. (1) Every investigation by the Commissioner under this Act shall be conducted in private.

33. (2) The Commissioner may disclose in any report made by him under this section such matters as in his opinion ought to be disclosed in order to establish the grounds for his conclusions and recommendations, but in so doing shall take every reasonable precaution to avoid disclosing any matter the disclosure of which would or might be prejudicial to the defence or security of Canada or any state allied or associated with Canada.

OFFICIAL SECRETS ACT, R.S.C. 1970, c. O-3, ss. 3(1), 4.

3. (1) Every person is guilty of an offence under this Act who, for any purpose prejudicial to the safety or interests of the State,

(a) approaches, inspects, passes over, or is in the neighbourhood of, or enters any prohibited place;

(b) makes any sketch, plan, model or note that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power; or

(c) obtains, collects, records, or publishes, or communicates to any other person any secret official code word, or pass word, or any sketch, plan, model, article, or note, or other document or information that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power.

4. (1) Every person is guilty of an offence under this Act who, having in his possession or control any secret official code word, or pass word, or any sketch, plan, model, article, note, document or information that relates to or is used in a prohibited place or anything in such a place, or that has been made or obtained in contravention of this Act, or that has been entrusted in confidence to him by any person holding office under Her Majesty, or that he has obtained or to which he has had access while subject to the Code of Service Discipline within the meaning of the National Defence Act or owing to his position as a person who holds or has held office under Her Majesty, or as a person who holds or has held a contract made on behalf of Her Majesty,

or a contract the performance of which in whole or in part is carried out in a prohibited place, or as a person who is or has been employed under a person who holds or has held such an office or contract,

(a) communicates the code word, pass word, sketch, plan, model, article, note, document or information to any person, other than a person to whom he is authorized to communicate with, or a person to whom it is in the interest of the State his duty to communicate it;

(b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State;

(c) retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article note, document, secret official code word or pass word or information.

(2) Every person is guilty of an offence under this Act who, having in his possession or control any sketch, plan, model, article, note, document or information that relates to munitions of war, communicates it directly or indirectly to any foreign power, or in any other manner prejudicial to the safety or interests of the State.

(3) Every person who receives any secret official code word, or pass word, or sketch, plan, model, article, note, document or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document or information is communicated to him in contravention of this Act, is guilty of an offence under this Act, unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document or information was contrary to his desire.

(4) Every person is guilty of an offence under this Act who

(a) retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government department or any person authorized by such department with regard to the return or disposal thereof; or

(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable.

R.S., c. 198, s. 4.

OLD AGE SECURITY ACT, R.S.C. 1970, c. O-6, s. 19.

19. (1) Except as provided in this section, all information with respect to any individual applicant or beneficiary or the spouse of any applicant or beneficiary, obtained by an officer or employee of Her Majesty in the course of the administration of this Act is privileged, and no such officer or employee shall knowingly, except as provided in this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any such person to inspect or have access to any statement or other writing containing any such information.

(2) Any information obtained by an officer or employee in the Department of National Health and Welfare pursuant to this Act or the regulations may be communicated to an officer or employee in the Department of National Revenue, the Department of Finance, the Department of Supply and Services, the Department of Veterans Affairs, the Unemployment Insurance Commission or the Dominion Bureau of Statistics or, under conditions prescribed by the Governor in Council, to any provincial authority administering a program of assistance payments, where that information is information only as to whether a person is or has been in receipt of a benefit or as to the amount of that benefit or where such communication is necessary for the purposes of the administration of this Act.

(3) Notwithstanding any other Act or law,

(a) the Minister of National Revenue or any person designated by him for the purpose may, upon the request of the Minister, for any purpose relating to the administration of this Act, furnish to the Minister or to any officer or employee in the Department of National Health and Welfare designated by the Minister for the purpose, a report providing information available to the Minister of National Revenue relating to the income or income from a particular source or sources of an applicant or beneficiary or the spouse of such applicant or beneficiary; and

(b) where Social Insurance Numbers have been assigned under the authority of any other Act, the Minister or other authority charged with the administration of that Act and the Minister may exchange any information contained in applications for such numbers and any numbers so assigned, and may make or cause to be made available any such information or numbers in such manner as may be authorized by that Act.

(4) Notwithstanding any other Act or law, no officer or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing any such information.

(5) Subsections (1) and (4) do not apply in respect of proceedings relating to the administration or enforcement of this Act. 1966-67, c.65, s.3; 1968-69, c.28, s.105.

PATENT ACT, R.S.C. 1970, c. P-4, ss. 20(3) - (7), (11), L2, (15), (16), 74(1)

20. (3) The assignment effectually vests the benefit of the invention and patent in the Minister of National Defence on behalf of Her Majesty, and all covenants and agreements therein contained for keeping the invention secret and otherwise are valid and effectual, notwithstanding any want of valuable consideration, and may be enforced accordingly by the Minister of National Defence.

(4) Any person who, as aforesaid, has made an assignment under this section to the Minister of National Defence, in respect of any covenants and agreements contained in such assignment for keeping the invention secret and otherwise in respect of all matters relating to that invention, and any other person who has knowledge of such assignment and of such covenants and agreements, shall be, for the purposes of the Official Secrets Act, deemed to be persons having in their possession or control information respecting those matters that has been entrusted to them in confidence by any person holding office under Her Majesty; and the communication of any of that information by such first-mentioned persons to any person other than one to whom they are authorized to communicate with, by or on behalf of the Minister of National Defence, is an offence under section 4 of the Official Secrets Act.

(5) Where any agreement for such assignment has been made, the Minister of National Defence may submit an application for patent for the invention to the Commissioner, with the request that it be examined for patentability, and if such application is found allowable may, before the grant of any patent thereon, certify to the Commissioner that, in the public interest, the particulars of the invention and of the manner in which it is to be worked are to be kept secret.

(6) If the Minister of National Defence so certifies, the application and specification, with the drawing, if any, and any amendment of the application, and any copies of such documents and drawing and the patent granted thereon, shall be placed in a packet sealed by the Commissioner under authority of the Minister of National Defence.

(7) The packet shall, until the expiration of the term during which a patent for the invention may be in force, be kept sealed by the Commissioner, and shall not be opened save under the authority of an order of the Minister of National Defence.

(11) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but, save as in this section otherwise directed, this Act shall apply in respect of any such invention and patent as aforesaid.

(12) The Minister of National Defence may at any time waive the benefit of this section with respect to any particular invention, and the specification, documents and drawing shall be thenceforth kept and dealt with in the regular way.

(15) The Governor in Council, if satisfied that an invention relating to any instrument or munition of war, described in any specified application for patent not assigned to the Minister of National Defence, is vital to the defence of Canada and that the publication of a patent therefor should be prevented in order to preserve the safety of the State, may order that such invention and application and all the documents relating thereto shall be treated for all purposes of this section as if the invention had been assigned or agreed to be assigned to the Minister of National Defence.

(16) The Governor in Council may make rules under this section for the purpose of ensuring secrecy with respect to applications and patents to which this section applies and generally to give effect to the purpose and intent thereof. R.S., c. 203, s. 20.

74. (1) Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file in the Patent Office a document setting forth a description of his invention so far as it has proceeded, with or without plans, at his own will; and the Commissioner, on payment of the prescribed fee shall cause that document, which shall be called a "caveat", to be preserved in secrecy with the exception that he shall deliver copies thereof whenever required by the applicant or by any judicial tribunal; the secrecy of the document ceases when the applicant obtains a patent for his invention.

POST OFFICE ACT, 1970, R.S.C., c. P-14, s.56.

56. Subject to the Financial Administration Act, postmasters and other postal employees shall not disclose the name of any depositor in the post office savings bank or give any information concerning the amount that he has on deposit or the amount deposited or withdrawn, except to the Postmaster General or duly authorized postal employees. R.S., c. 212, s. 53.

PETROLEUM ADMINISTRATION ACT, 1974-75, S.C., c. 47, s. 92.

92. (1) Except as provided in this section, all information with respect to a person or business obtained by any person in the course of the administration of this Act is privileged and no person shall knowingly, except as provided in this Act, communicate or allow to be communicated to any person not legally entitled thereto any such information or allow any person not legally entitled thereto to inspect or have access to any such information.

(2) Any information with respect to a person or business obtained by any person in the course of the administration of this Act may, on request in writing to the Minister by or on behalf of the person to which it relates or by or on behalf of the person or group of persons carrying on the business to which it relates, be communicated to any person or authority named in the request on such terms and conditions and under such circumstances as are approved by the Minister.

(3) Notwithstanding any other Act or law, no person employed in the administration of this Act shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information.

PROTECTION OF PRIVACY ACT, S.C. 1973-74, c. 50, s. 2 (amending Criminal Code, R.S.C. 1970, c. C-34, s. 178, Part. IV.1), s. 4 (amending Crown Liability Act, R.S.C. 1970, c. C-38, s. 7, Part I.1)

178.14 (Criminal Code)

(1) All documents relating to an application made pursuant to section 178.12 or subsection 178.13(3) * are confidential and, with the exception of the authorization, shall be placed in a packet and sealed by the judge to whom the application is made immediately upon determination of such application, and such packet shall be kept in the custody of the court in a place to which the public has no access or in such other place as the judge may authorize and shall not be

(a) opened or the contents thereof removed except

(i) for the purpose of dealing with an application for renewal of the authorization, or

(ii) pursuant to an order of a judge of a superior court of criminal jurisdiction or a judge as defined in section 482; and

* These sections deal with an application for an authorization to intercept a private communication.

(b) destroyed except pursuant to an order of a judge referred to in subparagraph (a)(ii).

(2) An order under subsection (1) may only be made after the Attorney General or the Solicitor General by whom or on whose authority the application was made for the authorization to which the order relates has been given an opportunity to be heard.

178.2 (1) Where a private communication has been intercepted by means of an electromagnetic, acoustic, mechanical or other device without the consent, express or implied, of the originator thereof or of the person intended by the originator thereof to receive it, every one who, without the express consent of the originator thereof or of the person intended by the originator thereof to receive it, wilfully

(a) uses or discloses such private communication or any part thereof or the substance, meaning or purport thereof or of any part thereof, or

(b) discloses the existence thereof,

is guilty of an indictable offence and liable to imprisonment for two years.

(2) Subsection (1) does not apply to a person who discloses a private communication or any part thereof or the substance, meaning or purport thereof or of any part thereof or who discloses the existence of a private communication

(a) in the course of or for the purpose of giving evidence in any civil or criminal proceedings or in any other proceedings in which he may be required to give evidence on oath where the private communication is admissible as evidence under section 178.16 or would be admissible under that section if it applied in respect of the proceedings;

(b) in the course of or for the purpose of any criminal investigation if the private communication was lawfully intercepted;

(c) in giving notice under section 178.16 or furnishing further particulars pursuant to an order under section 178.17;

(d) in the course of the operation of

(i) a telephone, telegraph or other communication service to the public, or

(ii) a department or agency of the Government of Canada,

if the disclosure is necessarily incidental to an interception described in paragraph 178.11(2)(c) or (d); or

(e) where disclosure is made to a peace officer and is intended to be in the interests of the administration of justice.

7.3 (Crown Liability Act)

(1) Subject to subsection (2), where a servant of the Crown who has obtained, in the course of his employment, any information respecting a private communication that has been intercepted by means of an electro-magnetic, acoustic, mechanical or other device without the consent, express or implied, of the originator thereof or of the persons intended by originator thereof to receive it, intentionally

(a) uses or discloses such private communication or any part thereof or the substance, meaning or purport thereof or of any part thereof, or

(b) discloses the existence thereof,

the Crown is liable for all loss or damage caused thereby, and for punitive damages in an amount not exceeding \$5,000, to each person who incurred such loss or damage.

(2) The Crown is not liable for loss or damage or punitive damages referred to in subsection (1) where a servant of the Crown discloses a private communication or any part thereof or the substance, meaning or purport thereof or of any part thereof or the existence of a private communication

(a) with the express consent of the originator of the private communication or of the person intended by the originator thereof to receive it;

(b) in the course of or for the purpose of giving evidence in any civil or criminal proceedings or in any other proceedings in which he may be required to give evidence on oath;

- (c) in the course of or for the purpose of any criminal investigation if the private communication was lawfully intercepted;
- (d) in giving notice under section 178.16 of the Criminal Code or furnishing further particulars pursuant to an order under section 178.17 of that Act;
- (e) in the course of random monitoring that is necessarily incidental to radio frequency spectrum management in Canada; or
- (f) where disclosure is made to a peace officer and is intended to be in the interest of the administration of justice.

PUBLIC SERVICE EMPLOYMENT ACT, R.S.C. 1970, c. P-32, s. 23, Schedule III.

23. Every deputy head and employee shall, upon appointment from outside the Public Service, take and subscribe the oath or affirmation of allegiance and the oath or affirmation set out in Schedule III. 1966-67, c.71, s.23.

Schedule III

Oath or Affirmation of Office and Secrecy

I, A.B., solemnly and sincerely swear (or affirm) that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Public Service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. (In the case where an oath is taken add, "So help me God"). 1966-67, c. 71, Sch. C.

PUBLIC SERVICE STAFF RELATIONS ACT, R.S.C. 1970, c. P-35, s. 107.

107. No member of the Board, of the Arbitration Tribunal or of a conciliation board and no adjudicator, conciliator or officer or employee of or person appointed by the Board shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act. 1966-67, c. 72, s. 107.

RAILWAY ACT, R.S.C. 1970, c. R-2, ss. 331 (as amended by S.C. 1974-75, c. 41, s. 2) 334, 335 (3)(4)(5).

331. Where information concerning the costs of a railway company or other information that is by its nature confidential is obtained from the company by the Commission in the course of any investigation under this Act, such information shall not be published or revealed in such a manner as to be available for the use of any other person, unless in the opinion of the Commission such publication is necessary in the public interest. 1966-67, c. 69, s. 70.

331.1 (1) Where the government of a province requests information

- (a) relative to the costs of a railway company in respect of the transportation services and operations of that company, or
- (b) relative to the costs of the company in moving specified commodities generally or between specified points,

the Minister may, in writing, request the company to furnish him with the information in such manner and to such extent as he may specify.

(2) The Minister may, upon receipt of the information requested by him from the company, release the information to the government of the province that requested it if that government has undertaken to treat the information as confidential.

331.2 Where he considers it expedient to do so in the public interest, the Minister may, in writing, request a railway company to furnish him with such information concerning its costs as he may specify.

331.3 (1) Subject to this section and subsection 331.1(2), no person shall knowingly publish or allow to be published, or communicate or allow to be communicated to any person, any information provided under section 331.1 or released under section 331.2.

(2) Subsection (1) does not apply so as to prohibit the communication of information to

- (a) a Minister of the Crown in right of Canada or any province, or
- (b) an officer or employee of Her Majesty in right of Canada or any province

who is required in the course of his duties to receive the information referred to in that subsection.

(3) Any information furnished under section 331.1 or 331.2 that is relevant to any proceedings under this Act, the National Transportation Act or the Transport Act may, for the purposes of those proceedings, be published or communicated by the government of the province to which it was released pursuant to section 331.1, or by the Minister.

334. All returns made in pursuance of any of the provisions of sections 325 to 333 * are privileged communications, and are not evidence in any court whatever, except in any prosecution for

- (a) default in making such returns in accordance with the requirements of this Act;
- (b) perjury in making any oath required by this Act in connection with such returns;

* These sections deal with the railway, telegraph, telephone and express annual returns that companies are to submit to the Canadian Transportation Commission.

- (c) forgery of any such return; or
- (d) signing any such return knowing it to be false. R.S., c. 234, s. 390.

335. (3) Any information furnished to the Commission by any such return, or any evidence taken by the Commission in connection therewith, shall not be open to the public, or published, but shall be for the information of the Commission only.

(4) The Governor in Council may nevertheless require the Commission to communicate to him in Council any or all information obtained by it in the manner aforesaid.

(5) The Commission may authorize any part of such information to be made public when, and in so far as, there may appear to the Commission to be good and sufficient reasons for so doing; but if the information so proposed to be made public by the Commission is of such character that such company or any other company within the legislative authority of the Parliament of Canada would, in the opinion of the Commission, be likely to object to the publication thereof, the Commission shall not authorize such information to be published without notice to such company, or any such other company, and hearing any objection that such company or any such other company, may make to such publication. R.S. c. 234, s. 391.

REINSTATEMENT IN CIVIL EMPLOYMENT ACT, R.S.C. 1952, c. 236, s. 17.

17. (1) Subject to subsection (2), information, written or verbal, obtained under this Act shall not be disclosed to any person except the Minister, or his officers in the course of their employment.

(2) The Minister or a Reinstatement Officer may

- (a) disclose to an applicant or any person acting on his behalf, such information as may be necessary for the enforcement of his rights under this Act, and

(b) disclose information obtained under this Act to a department of the Government or to a court in connection with the administration or enforcement of this Act. 1946, c. 63, s. 17.

CANADA SHIPPING ACT, R.S.C. 1970, c. S-9, s. 412(3).

412. (3) No message shall be delivered, or its contents divulged, to any person except the addressee, his accredited agent, or such properly authorized persons as are essential for the forwarding of the message to its destination.

STATISTICS ACT, S.C. 1970-71-72, c. 15, ss. 6, 16, 17, 28(b)(c), 33.

6. (1) The Chief Statistician and every person employed or deemed to be employed pursuant to this Act shall, before entering upon his duties, take and subscribe the following oath or affirmation:

I,, do solemnly swear (or affirm) that I will faithfully and honestly fulfil my duties as an employee of Statistics Canada in conformity with the requirements of the Statistics Act, and of all rules and instructions thereunder and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment.

16. (1) Subject to this section and except for the purposes of a prosecution under this Act,

(a) no person, other than a person employed or deemed to be employed under this Act, and sworn under Section 6, shall be permitted to examine any identifiable individual return made for the purposes of this Act; and

(b) no person who has been sworn under section 6 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such a manner that it is possible from any such disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.

(2) The Minister may, by order, authorize

(a) the particulars of any information obtained in the course of administering this Act to be communicated to a statistical agency of a province pursuant to an agreement under section 10; * and

(b) the particulars of any information collected jointly with a department or corporation pursuant to an agreement under section 11 * to be communicated to the department or corporation that was party to the collecting of the information.

(3) The Chief Statistician may, by order, authorize the following information to be disclosed:

(a) information collected by persons, organizations or departments for their own purposes and communicated to Statistics Canada before or after this section comes into force, but such information when communicated to Statistics Canada shall be subject to the same secrecy requirements to which it was subject when collected and may only be disclosed by Statistics Canada in the manner and to the extent agreed upon by the collector thereof and the Chief Statistician;

(b) information relating to a person or organization in respect of which disclosure is consented to in writing by the person or organization concerned;

* These sections deal with the exchange of information among administrative bodies.

- (c) information relating to a business in respect of which disclosure is consented to in writing by the owner for the time being of the business;
- (d) information available to the public under any statutory or other law;
- (e) information relating to any hospital, mental institution, library, educational institution, welfare institution or other similar non-commercial institution except particulars arranged in such a manner that it is possible to relate such particulars to any individual patient, inmate or other person in the care of any such institution;
- (f) information in the form of an index or list of
 - (i) the names and locations of individual establishments, firms or businesses,
 - (ii) the products produced, manufactured, processed, transported, stored, purchased or sold, or the services provided, by individual establishments, firms or businesses in the course of their business, or
 - (iii) the names and addresses of individual establishments, firms or businesses that are within specific ranges of numbers of employees or persons engaged or constituting the work force; and
- (g) information relating to any carrier or public utility.

17. (1) Except in respect of a prosecution under this Act, any return made to Statistics Canada pursuant to this Act and any copy of the return in the possession of the respondent is privileged and shall not be used as evidence in any proceedings whatever, and no person sworn under section 6 shall by an order of any court, tribunal or other body be required in any proceedings whatever to give oral testimony or to produce any return, document or record with respect to any information obtained in the course of administering this Act.

(2) This section applies in respect of any information that Statistics Canada is prohibited by this Act from disclosing or that may only be disclosed pursuant to an authorization under subsection (2) or (3) of section 16.

28. Every person who, after taking the oath set out in subsection (1) of section 6,

(b) in the pretended performance of his duties, obtains or seeks to obtain information that he is not duly authorized to obtain, or

(c) contravenes subsection (1) of section 16

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

33. Every person who, after taking the oath set out in subsection (1) of section 6,

(a) wilfully discloses or divulges directly or indirectly to any person not entitled under this Act to receive the same any information obtained by him in the course of his employment that might exert an influence upon or affect the market value of any stocks, bonds or other security or any product or article, or

(b) uses any such information for the purpose of speculating in any stocks, bonds or other security or any product or article

is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both.

SURPLUS CROWN ASSETS ACT, R.S.C. 1970, c. S-20, s. 7(11) and Schedule.

7. (11) Every director shall, before acting as such, take before a justice of the peace or commissioner for taking affidavits, and file with the secretary of the Corporation, an oath of fidelity and secrecy in the form set out in the schedule. R.S., c. 260, s. 7.

Schedule

Oath of Fidelity and Secrecy of Employee of Crown Assets Disposal Corporation

I,, solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me and shall not divulge any knowledge or information obtained by me in the course of my employment to any one not legally entitled thereto unless expressly authorized by my superior officers.

Oath of Fidelity and Secrecy of Director or Officer of Crown Assets Disposal Corporation

I,, do solemnly swear that I will faithfully, truly and to the best of my judgment, skill and ability execute and perform the duties required of me as a Director or Officer, as the case may be, of Crown Assets Disposal Corporation.

I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Corporation, nor will I allow any such person to inspect or have access to any books, documents or records belonging to or in the possession of the Corporation and relating to its business.

R.S., c. 260, Sch.

TARIFF BOARD ACT, R.S.C. 1970, c. T-1, ss. 5(10), 6.

5. (10) Should evidence or information that is in its nature confidential, relating to the business or affairs of any person, firm or corporation, be given or elicited in the course of any inquiry, the evidence or information shall not be made public in such a manner as to be available for the use of any business competitor or rival of the person, firm or corporation, respectively, but this subsection does not apply to an inquiry under subsection 4(3);

and any person who violates any of the provisions of this subsection is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one thousand dollars or not more than twelve months imprisonment.

6. Whenever a report has been made under this Act, a copy thereof and a copy of the evidence, if any, taken, and of the information obtained (except such evidence and information as was of a confidential character under subsection 5(10)) in connection therewith shall be laid before Parliament by the Minister within fifteen days after the opening of the next session thereafter, or within fifteen days after the making of the report if Parliament is then in session. R.S., c. 261, s. 6.

TELEGRAPHS ACT, R.S.C. 1970, c. T-3, ss. 2, 3, 5, 6 and Schedule.

PART I

Secrecy

2. The Minister of Communications or such officer or person as he appoints for that purpose, may determine and decide that any employee in connection with any telegraph line wholly or partly under the control of the Government of Canada, shall not be required to make the declaration as to secrecy provided for in this Part. R.S., c. 262, s.2; 1968-69, c.28, s.100.

3. Subject to section 2, every person who is employed in connection with any telegraph line wholly or partly under the control of the Government of Canada as an operator or in any other capacity in which he has opportunities of becoming acquainted with information connected with matters of state or with any other information, shall, before entering upon the duties of such employment, take and subscribe a declaration in the form set forth in the schedule before a justice of the peace or before a person appointed by the Governor in Council to take declarations under this Part. R.S., c.262, s.3.

5. Every person who has made the declaration hereinbefore mentioned, and who, either directly or indirectly, divulges to any person, except when lawfully authorized or directed to do so, any information that he acquires by virtue of his employment, is guilty of an offence against this Part, and is liable on summary conviction before a justice of the peace to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. R.S., c. 262, s. 5.

6. Every telegraph operator or other person in the employ of a telegraph company, who divulges the contents of any telegram, except when lawfully authorized or directed to do so, is guilty of an offence against this Part, and is liable on summary conviction before a justice of the peace to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. R.S., c. 262, s. 6.

Schedule

I, A.B. solemnly and sincerely promise and declare that I will faithfully and honestly fulfil the duties which devolve upon me as operator (or in other capacity, as the case may be) upon (state the line of telegraph), and that I will not, either directly or indirectly, divulge to any person, except when lawfully authorized or directed so to do, any information that I acquire by virtue of my employment as such operator (or in other capacity, as the case may be).

(Signature)

A.B.

Declared before me,)
 etc.)

R.S., c. 262, Sch.

CANADA TEMPERANCE ACT, R.S.C. 1970, c. T-5, ss. 32, 71-73.

32. Every agent, on being admitted to the polling station, shall take an oath in Form H to keep secret the space on the ballot paper in which any voter marks his ballot paper in his presence, as hereinafter required. R.S., c. 30, s. 32.

Form H

Form of Oath of Secrecy

I, the undersigned, E.F., agent for the electors of the County (or City) of _____, interested in promoting (or opposing) the adoption of a petition to the Governor General for the bringing into force in the said County (or City) of Part II of the Canada Temperance Act, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm, promise and declare) that I will keep secret the way in which any of the voters at the polling station in the polling district No. _____, marks his ballot in my presence, at this polling of votes for or against such petition. So help me God.

.....
(Signature) E.F.

Sworn (or affirmed) at _____ this _____ day of _____
A.D. 19 _____, before me.

.....
A.B.,
Returning Officer
.....
or C.D.,
Justice of the Peace

71. (1) Every officer and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at such polling place; and shall not communicate, before the poll is closed, to any person any information as to whether any person on the voters' list has or has not applied for a ballot paper, or voted at that polling place.

(2) No officer or agent, or any other person whatever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information as to how any voter at such polling place is about to vote, or has voted.

(3) No officer or agent or other person shall communicate, at any time, to any person, any information obtained at a polling place, as to how any voter at such polling place is about to vote or has voted. R.S., c. 30, s. 71.

72. Every officer and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain, at such counting, or communicate any information obtained at such counting, as to how any vote is given in any particular ballot paper. R.S., c. 30, s. 72.

73. No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked it, so as to make known to any person how he has so marked his ballot paper. R.S., c. 30, s. 73.

TEXTILE AND CLOTHING BOARD ACT, S.C. 1970-71-72, c. 39, s. 23.

23. Where information that is in its nature confidential, relating to the business or affairs of any person, firm or corporation is given or elicited in the course of any inquiry, the information shall not be made public in such a manner as to be available for the use of any business competitor or rival of the person, firm or corporation.

TRANSLATION BUREAU ACT, R.S.C. 1970, c. T-13, s. 7.

7. (1) Every officer, translator, clerk or other person employed in the execution of any duty or function under this Act or under any regulation made in pursuance thereof, before entering on his duties, shall take and subscribe the oath of allegiance and also the following oath:

I,, solemnly swear that I will faithfully and honestly fulfil my duties as in conformity with the requirements of the Translation Bureau Act and of all orders in council, regulations and instructions issued in pursuance thereof, and that I will not, without due authority in that behalf, disclose or make known any matter or thing that comes to my knowledge by reason of my employment as such.

UNEMPLOYMENT INSURANCE ACT 1971, 1970-71, S.C., c. 48, ss. 114, 143.

114. Information, written or oral, obtained by the Commission from any person under this Act or any regulation thereunder shall be made available only to the employees of the Commission in the course of their employment and such other persons as the Commission deems advisable, and neither the Commission nor any of its employees is compellable to answer any question concerning such information, or to produce any records or other documents containing such information as evidence, in any proceedings not directly concerned with the enforcement or interpretation of this Act or the regulations.

143. (1) Information, written or oral, obtained by the Minister or the Department of Manpower and Immigration from any person under this Part or any regulation thereunder shall be made available only to the employees of the Department of Manpower and Immigration in the course of their employment and such other persons as the Minister deems advisable, subject to such regulations as the Governor in Council may make in that behalf.

(2) Neither the Minister nor any of the employees of the Department of Manpower and Immigration is compellable to answer any question concerning any information described in subsection (1) or to produce any records or other documents containing such information as evidence, in any proceedings not directly concerned with the enforcement or interpretation of this Part or the regulations made thereunder.

VISITING FORCES ACT, R.S.C. 1970, c. V-6, s. 20 (Part IV).

PART IV

Security Provisions

20. Subject to section 21, the Official Secrets Act applies and shall be construed as applying in respect of a designated state as though

(a) a reference in that Act to "office under Her Majesty" included any office or employment in or under any department or branch of the government of a designated state;

(b) a reference in that Act to "prohibited place" included

(i) any work of defence belonging to or occupied or used by or on behalf of a designated state including arsenals, armed forces establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places, other than diplomatic premises of designated states, used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war, and

(ii) any place, not belonging to a designated state, where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, obtained or stored under contract with, or with any person on behalf of a designated state, or otherwise on behalf of a designated state;

(c) a reference in that Act to "safety or interests of the state" or to "interest of the state" or to "public interest" included the safety and security interests of a designated state;

(d) a reference in that Act to "contract made on behalf of Her Majesty" included a contract made on behalf of a designated state;

(e) the expression "appointed by or acting under the authority of Her Majesty" in that Act included the expression "appointed by or acting under the authority of the government of a designated state"; and
(f) a reference in that Act to "any member of Her Majesty's forces" included a member of the visiting force of a designated state.
1967-68, c. 23, s. 20.

VOCATIONAL REHABILITATION OF DISABLED PERSONS ACT, R.S.C. 1970, c. V-7, s. 6.

6. (1) The Minister may undertake research in respect of vocational rehabilitation for disabled persons and may, where he deems it appropriate, undertake such research in cooperation with any province.

(2) The Minister may collect, compile, analyze, abstract and publish information relating to any research undertaken by him pursuant to this section. 1960-61, c. 26, s. 6.

YUKON ACT, NORTH WEST TERRITORIES ACT, AND CANADA ELECTIONS ACT, S.C. 1974, c. 5, s. 9 amending the Northwest Territories Act, R.S.C. 1970, c. N-22, s. 6.

6. The Commissioner and the Deputy Commissioner shall, before assuming the duties of their respective offices, take and subscribe, in such manner as the Governor in Council may prescribe, such oaths of office and allegiance as the Governor in Council may prescribe.

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